

November 26, 2021

**VIA ECF**

The Honorable Lorna G. Schofield  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, NY 10007

*Catherine McKoy, et al. v. Trump Corp., et al.*, 1:18-cv-9936 (LGS)

Dear Judge Schofield:

Pursuant to the Court's August 30, 2021, Fourth Amended Civil Case Management Plan and Scheduling Order (Doc. No. 326 (the "Scheduling Order")), the parties write to update the Court on the status of the above-referenced action since the parties last filed a periodic joint status update letter on October 27, 2021 (Doc. No. 338).

**Party Discovery.** On November 1, 2021, Plaintiffs served their First Requests for Production of Documents to All Individual Defendants. The parties have agreed to a brief extension of the Individual Defendants' time to respond until December 13, 2021. Defendants will meet and confer with Plaintiffs regarding objections and scope in the meantime.

On November 8, 2021, Defendants produced a chart containing certain organizational information for agreed-upon individuals from January 1, 2013 to October 29, 2018 (*see* Doc. No. 207). On November 23, 2021, Defendants produced a chart of similar information covering the period from January 1, 2005 to December 31, 2013.

Plaintiffs have followed up with Defendants with respect to certain deficiencies in Defendants' prior productions and other outstanding discovery, including documents and additional organizational information Defendants had committed to produce in agreements submitted to the Court in March 2020 (Doc. Nos. 207, 209). The parties continue to correspond and meet and confer on these issues, and reserve all rights.

As previously reported, Defendants have indicated that they may serve further party and non-party discovery.

**Plaintiffs' nonparty discovery efforts.** Plaintiffs provide the following update on their ongoing correspondence and meet-and-confers with nonparties to resolve outstanding discovery issues. (*See* Doc. Nos. 232, 260, 265, 273.) Defendants state that, except as expressly noted below, they generally have no knowledge as to the update because Plaintiffs have conducted such nonparty correspondence and meet-and-confers without Defendants' involvement.

*First*, on November 11, 2021, the Marketing Consultants produced 1,467 documents to Plaintiffs, which Plaintiffs provided to Defendants on November 12, 2021.

*Second*, Plaintiffs have continued to meet and confer with nonparty American Communications Network ("ACN") regarding its outstanding discovery obligations. In a November 15, 2021 call, ACN confirmed that it was reviewing Plaintiffs' proposed set of further

narrowed ESI custodians and search terms ACN (sent on September 22, 2021), and that it was aiming to provide a response by November 26, 2021. ACN also stated that it anticipated responding to requests for certain documents and information by declaration, which it was aiming to provide by November 26, 2021, if not before.

*Third*, pursuant to the Court's November 23, 2021 order, Plaintiffs will meet and confer with nonparties Metro-Goldwyn Mayer Studios, Inc. and JMBP, LLC ("MGM") regarding Plaintiffs' review of "the requested footage" in order to designate "for secure copying the footage that Plaintiffs believe is relevant to the litigation." (Doc. No. 343.)

*Fourth*, Plaintiffs have continued to meet and confer with counsel for the multiple nonparty Success-branded entities ("Success Entities"). Counsel for the Success Entities has represented that, of the 60,000 documents they identified that are responsive to the search term "Trump," 10,000 fall within the timeframe relevant to the requests in Plaintiffs' subpoenas. Plaintiffs continue to meet and confer with the Success Entities to facilitate a production as soon as possible.

*Fifth*, Plaintiffs are also continuing to meet and confer with The Curetivity Foundation ("Curetivity") to facilitate a production of responsive materials. Curetivity's counsel has represented that they will respond to Plaintiffs' subpoena promptly with an initial production.

The parties will submit their next joint status letter on December 27, 2021.

Respectfully submitted,

/s/ John C. Quinn

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